

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/829,598 Confirmation No.: 6855
Applicant : Graetz et al.
Filed : April 22, 2004
TC/A.U. : 1745
Examiner : Hodge, Robert W.
For : High-Capacity Nanostructured Germanium-Containing Materials and
Lithium Alloys Thereof
Docket No. : 27-06
Customer No.: 23713

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING
I hereby certify that this correspondence is being
filed using the USPTO EFS-WEB system.
September 12, 2007 /ronaldfriedland/
Date Ronald Friedland

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The Office Action of June 12, 2007, requires restriction to one of the following four inventions:

Group	Claims
Group I (claims 1-18)	Drawn to an electrode, classified in class 429, subclass 128
Group II (claims 19-21)	Drawn to an electrochemical cell, classified in class 361, subclass 271
Group III (claims 22-25)	Drawn to a method of synthesizing a nanoparticle, classified in class 423, subclass 96
Group IV (claims 26-29)	Drawn to a nanoparticle, classified in class 423, subclass 324

The Examiner characterizes the inventions of groups I and II as related as combination and subcombination. In support of the restriction requirement, the Examiner concludes that the inventions are independent or distinct because: "the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination has separate utility such as an electrode for a battery and not just supercapacitors."

The Examiner characterizes the inventions of groups III and IV as related as process of making and product made. In support of the restriction requirement the Examiner concludes that the inventions are independent or distinct because: "the nanoparticle can be made by gelling or precipitating and not just evaporating."

The Examiner characterizes the inventions of groups I and IV as related as combination and subcombination. In support of the restriction requirement, the Examiner concludes that the inventions are independent or distinct because: "the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the nanostructured material to be a nanoparticle. The subcombination has separate utility such as use in nanoswitches."

Further, the Examiner asserts that, "Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper."

Pursuant to the requirements of 37 C.F.R. § 1.143, Applicants hereby elect, without traverse, the invention described as Group I. Claims 1-18 are identified as corresponding to the elected invention.

In view of the foregoing, this case is considered to be in condition for allowance and passage to issuance is respectfully requested. Applicant reserves the right to pursue the non-elected inventions reflected in originally filed claims in subsequent continuation or divisional applications. If there are any outstanding issues related to restriction or patentability, the courtesy of a telephone call is requested, and the Examiner is invited to call to arrange a mutually convenient time.

It is believed that a two-month Extension of Time and fee of \$225.00 is required for this submission. Accordingly, Applicants provide herewith a Petition for a Two-Month Extension of Time, and payment in the amount of \$225.00 is currently being made using the EFS-Web electronic filing system. If this is incorrect or if problems are encountered using the EFS-Web system, please deduct any fees due for this submission and any extension of time required from Deposit Account No. 07-1969.

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